

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460



OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

December 30, 2016

Ms. Sharon Lerner  
The Intercept  
81 Rugby Rd.  
Brooklyn, NY 11226

**RE:** Response to Freedom of Information Request: EPA-HQ-2016-005616

Dear Ms. Lerner:

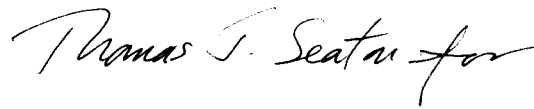
This letter is a second response to your above referenced Freedom of Information Act (FOIA) request for records concerning Ms. Tennie White. Enclosed are 219 documents consisting of e-mails responsive to your request. Some of these documents have been redacted under the following sections of FOIA: 5 U.S.C. Section 552(b)(6) which exempts from disclosure information about individuals in personnel and similar files when disclosure of such information would constitute a clearly unwarranted invasion of personal privacy; and Section (b) (7)(C), which exempts from disclosure records or information compiled for law enforcement purposes that could cause an unwarranted invasion of personal privacy. Other e-mails, approximately 35 have been withheld entirely under the following exemptions, 5 U.S.C. Section 552(b)(3) which exempts from disclosure information prohibited from disclosure by statute (in this case Federal Rule of Criminal Procedure 6(e)(2)) and exemption (b)(5) which exempts from disclosure documents that would be privileged in litigation – in this case attorney-client communications and attorney work product. You will not be billed for the cost of processing this FOIA request.

This letter concludes our response to your request. You may appeal this response by email at [hq.foia@epa.gov](mailto:hq.foia@epa.gov), or by mail to the National Freedom of Information Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter.

The Agency will not consider appeals *received* after the 90-calendar-day limit. Appeals received after 5:00 pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek assistance from EPA's FOIA Public Liaison at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, [ogis@nara.gov](mailto:ogis@nara.gov); telephone, (301) 837-1996 or (877) 684-6448; or fax, (301) 837-0348.

Should you have additional questions regarding this response, please contact Isabelle Pettiford of my staff via e-mail at [\*\*pettiford.isabelle@epa.gov\*\*](mailto:pettiford.isabelle@epa.gov) or by telephone at (202) 564-7396

Sincerely,

A handwritten signature in black ink that reads "Thomas J. Seaton for". The signature is fluid and cursive, with the word "for" written in a smaller, simpler script at the end.

Michael R. Fisher, Director  
Legal Counsel Division  
Office of Criminal Enforcement,  
Forensics & Training

cc: National Freedom of Information Officer  
FOIA and Privacy Branch (2822T)